

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:22-CV-054-DCK**

YOLANDA TURNER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Consent Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. §2412” (Document No. 17) filed January 5, 2023. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, and noting the parties’ agreement, the undersigned will grant the motion.

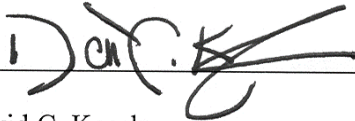
Plaintiff indicates that Defendant has consented to the request for fees. (Document No. 17); see also (Document No. 17-1, p. 2). Having reviewed the motion, supporting exhibits, and the record, the Court determines that Plaintiff should be awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$4,600.00.

IT IS, THEREFORE, ORDERED that “Plaintiff’s Consent Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. §2412” (Document No. 17) is **GRANTED**. The Court will award attorney fees in the amount of **\$4,600.00**, and pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, that debt will be satisfied first, and if any funds remain, they will be made payable

to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe any debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay those fees directly to the Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: January 6, 2023



David C. Keesler
United States Magistrate Judge

